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BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-303 (SUB-NO. 37X)

WISCONSIN CENTRAL LTD. –
ABANDONMENT EXEMPTION
IN WESTON, MARATHON COUNTY, WISCONSIN

231140

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES (DNR) MOTION TO
EXTEND TIME TO NEGOTIATE FOR NOTICE OF INTERIM TRAIL USE**

BACKGROUND

Wisconsin Central Ltd., ("WCL") filed with the Surface Transportation Board (Board) a Notice of Exemption under 49 C.F.R. § 1152 Subpart F – Exempt Abandonments to abandon a line of railroad, near Weston, WI. from Milepost 17.50 to Milepost 18.64, a distance of 1.14 miles in Marathon County, WI. The line runs through United States Postal Service Zip Code 54474.

On February 18, 2011, the Deputy Secretary of the Wisconsin Department of Natural Resources (DNR) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the 1.14-mile segment of WCL railroad, from Milepost 17.50 near Weston, WI to Milepost 18.64 in Marathon County, WI.

The Wisconsin Department of Transportation (WisDOT) petitioned the Board to obtain a notice of interim trail use for interim highway, bicycle, pedestrian and other trail purposes and railbanking pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 on behalf of the Wisconsin Department of Natural Resources (DNR) for specified segments of the right of way involved in this proceeding. DNR will use or preserve the land corridor and related real property for interim public transportation and recreational purposes (including highway, pedestrian and other trail), subject to restoration for railroad purposes. WisDOT and DNR have agreed to work cooperatively to acquire

and use the right of way. DNR's acquisition of the corridor for present and future transportation purposes as stated above is consistent with all Congressional purposes and neither abandonment nor discontinuance permitted by the Board conditioned as requested by DNR would be inconsistent with or disruptive of potential future rail use.

The Board issued a NITU under 49 C.F.R. § 1152.29, served on April 5, 2011, allowing DNR until October 2, 2011, to negotiate a rail banking agreement with WCL.

Since then, the parties have been negotiating in good faith, but negotiations have not concluded. Despite efforts to observe the time frame, this request is regrettably filed late.

Both DNR and WCL continue to negotiate in good faith, and expect a successful transaction. At this time, an offer has been made, and is being considered. This transaction will likely be one part of a package of purchases, and thus more time is needed to complete negotiations.

CONCLUSION

DNR respectfully requests the Board extend the negotiating period for the Notice of Interim Trail Use for the land corridor and related real property, for the 1.14-mile segment of WCL railroad, from Milepost 17.50 near Weston, WI to Milepost 18.64 in Marathon County, Wisconsin to DNR.

Respectfully submitted,



Kathleen Chung, State Bar No. 1032802
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 115-B
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8752
Attorney for Wisconsin Department of Transportation
10/19/11

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing cover letter in regards to **AB303**
(Sub-No. 37X), by electronic mail, pursuant to 49 C.F.R. §1104.12, this 19th day of
October, 2011, on all parties of record on the service list.

Kathleen Chung

Kathleen Chung, Attorney
State Bar no. 1032802
Wisconsin Department of Transportation
Office of General Counsel